

On motion of Mr. McCulloch, the Joint Resolution was further amended by striking out before one hundred thousand, and after the word appropriated, the word "over" and inserting in lieu thereof the word "nearly."

The Joint Resolution was then ordered to be engrossed.

On motion of Mr. McCulloch, the rule was suspended, Joint Resolution read a 3rd time and passed.

The report of the Committee on the Militia, on a bill to provide for the payment of three companies of minute men commanded by Captains John W. Sansom, Jno. D. Davenport and Reading W. Black, recommending the passage of the same, was taken up, read and ordered to be engrossed.

On motion of Mr. Scarborough, the Senate adjourned until to-morrow morning at 10 o'clock.

AUSTIN, Nov., 12th, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called; quorum present.

The Journal of yesterday was read and adopted.

Mr. Stockdale presented the petition of the Jackson County Agricultural Club, asking a Geological survey of the State; referred to the Committee on State Affairs.

Mr. Paschal presented the petition of Samuel McCulloch; referred to the Committee on Counties and County Boundaries.

Mr. Russell, Chairman of the Committee on Engrossed Bills, reported a bill to amend the 2nd section of an act to reorganize the 8th, Judicial District, and define the time of holding Courts therein; a bill to provide for the payment of three companies of minute men, commanded by Captains Jno. W. Sansom, Jno. D. Davenport, and Reason W. Black, and a joint resolution instructing our Senators and requesting our Representatives in Congress, to call upon the Government of the United States to refund the money heretofore paid out by the State of Texas, for the protection of her frontier, since the 28th day of February, 1855, correctly engrossed.

Mr. Potter, Chairman of the Committee on the Judiciary, made the following reports:

The Judiciary Committee have considered a bill amendatory of an act to incorporate the European and American Coloniza-

tion Society in Texas, and a majority of the committee direct me to return the same to the Senate and recommend its passage.

The Judiciary Committee have considered a bill to be entitled an act requiring all property hereafter sold under execution, or forced sale, to bring two-thirds of its appraised value. The object of the bill is to re-enact the provisions of the 1st and 2nd sections of the act of December 22nd, 1840, entitled an act to repeal and amend certain parts or portions of an act entitled an act concerning executions, (Hart. Dig. Arts. 1312, and 1313,) and of the 17th section, of an act entitled an act to reduce into one and amend the several acts concerning executions, approved January 27th, 1842, (Hart. Dig. Art. 1340,) which provisions were repealed by the act of January, 3rd, 1842, (Hart. Dig. Art. 1348.) The caption of the proposed act clearly expresses its object, and is intended to operate upon contracts heretofore made, as well as upon such as may hereafter be made; and a majority of the committee are of the opinion that in so far as it is attempted to be made to operate upon contracts heretofore made, it is clearly within the prohibition of that clause of the 10th section, of the 1st article of the Constitution of the United States, which provides, That, no State shall pass any bill of attainder, ex-post-facto law, or law impairing the obligation of contracts. We think argument unnecessary to show that the proposed act would, in its effects, impair the obligation of contracts heretofore made, and therefore be unconstitutional, as the question has been adjudicated by the highest Judicial tribunals in the Union; see *Brownson, vs. Kenzie*, 1st Howards U. S. Reps.; 311, also, *Blair vs. Williams*, 4th Sittell Rep. 35; *Lapsley vs. Brashear* 4th do. 47th; *McKinney vs. Carroll*, 5th Munroe Rep. 98; *Stephens, adm'r. vs. Burnett*, 7th, do. 50. That the act would be constitutional in its operation upon contracts hereafter to be made we do not question, as the contracts would be made with a view to the law and would be governed by it, but we understand the friends of the bill do not wish it to pass unless it will effect existing contracts, and in addition to this we much doubt if such legislation is dictated by sound policy, at any time a majority of the committee therefore instruct me to return the bill to the Senate and recommend its rejection.

Mr. McCulloch, Chairman of the Committee on Counties and County Boundaries, to which was referred a bill to authorize the Clerk of the County Court of Dallas County, to

transcribe certain records therein named, reported the same back to the Senate and recommended its passage.

Mr. Pirkey Chairman of the Committee on Public Lands, made the following reports :

The Committee on Public Lands, to which was referred a bill to repeal the 4th section of an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, have considered the same, and a majority of the Committee instruct me to report the bill back to the Senate and recommend its passage.

The Committee on on Public Lands have had under consideration, a bill to authorize the sale of the Public Domain, and a majority of the Committee have instructed me to report the bill back to the Senate, with the following amendments and recommend the adoption of the amendments and the passage of the bill.

Amendments, strike out "320" where it occurs in the 1st and 2nd sections, and insert "160" and add to the 1st section, "not being set apart, nor held in reservation," also add to the 2nd section, "and it shall be the duty of the party having a certificate so applied, to file with the District Surveyor of the District in which the land is located, within six months of the date of the survey, a certificate of the Commissioner of the General Land Office, that the application of a certificate (which shall be described by number and date) has been made, and upon his failure to do so, said land shall become vacant and subject to re-location.

Mr. Scarborough, from the Joint Committee to take into consideration the late Indian depredations on the San Saba and elsewhere, reported a Joint Resolution authorizing the Governor to call into the service of the State 100 mounted Volunteers, which was read 1st time.

On motion of Mr. Scarborough, the rule was suspended, and the Joint Resolution read a second time.

On motion of Mr. Grimes, it was referred to the Committee on Indian Affairs,

Mr. Paschal, Chairman of the Committee on Internal Improvements to which was referred a bill for the benefit of the creditors of Railroad Companies and to protect the interest of the State therein, reported :

That, the Committee had had the same under consideration, and instructed him to report the accompanying substitute for so much of said original bill as is therein contained ; the

committee believe the objects of the bill will be better attained by having them incorporated in two or three distinct acts, than to have them all embraced in one. They moreover, think the subject matter of the substitute, now offered is germane to the general law regulating Railroad Companies ; hence they believe that the same should be added to and amendatory of that law. They therefore recommend the passage of the substitute now offered, and beg leave to report further in reference to the other matters embraced in the bill referred to.

Mr. Taylor of Houston, Chairman of the Committee on Enrolled bills, reported a bill to legalize transcripts of records of field notes in the surveyor's office of Fayette County, correctly enrolled, properly signed, and this day presented to the Governor.

A message was received from the House informing the Senate, that the House had appointed Messrs. McKinney of Travis, Kinney and Hart, a committee on the part of the House to act in conjunction with the committee appointed by the Senate to take into consideration the propriety of reporting a bill for the protection of stock raisers.

Mr. Maverick, by leave, presented the petition of Luciano Navarro ; referred to the Committee on Claims and Accounts.

Mr. Guinn, offered the following resolution :

Resolved, That the Committee on State Affairs be requested to take into consideration the propriety of establishing a medical board of censors in this State and report by bill or otherwise ; adopted.

Mr. Martin offered the following resolution :

Resolved, That the Committee on the Judiciary be requested to take into consideration the passage of a law re-organizing the Judicial Districts, and providing for the alternation of Judges throughout the State ; adopted.

Mr. Lott, offered the following resolution :

Resolved, That the Committee on the Judiciary be respectfully requested to take into consideration the propriety of providing by law, compensation to witnesses, clerks and other officers, for their fees of office in certain criminal prosecutions wherein the State is a party ; adopted.

On motion of Mr. Britton, a Committee was appointed to act in conjunction with the Committee appointed by the House to take into consideration the propriety of passing a law for the protection of stock raisers.

Messrs. McCulloch and Britton were appointed the committee.

A message was received from the House informing the Senate that the House had passed a bill originating in that body, to change the time of holding the County Courts of Upshur County, sitting as a Commissioner's Court.

Mr. Taylor of Cass introduced a bill for the relief of John Barton ; read 1st time.

On motion of **Mr. Taylor, of Cass**, the rule was suspended bill read a 2nd time, and ordered to be engrossed.

On motion of **Mr. Taylor of Cass**, the rule was further suspended ; bill read a 3rd time and passed.

Mr. Russell, Chairman of the Committee on Engrossed Bills reported a bill for the relief of John Barton, correctly Engrossed.

Mr. Maverick, introduced a bill for the relief of F. L. Paschal ; read 1st and 2nd times and referred to the Committee on Private Land Claims.

Mr. Potter, introduced a bill making an appropriation to pay for the State copies of the 16th and 17th volumes of Texas Reports ; read 1st and 2nd times and referred to the Committee on Finance.

Mr. Hyde introduced a bill to change the time of holding courts in the 11th Judicial District ; read 1st and 2nd times, and referred to the Committee on the Judiciary.

Mr. Pirkey introduced a bill for the relief of the three companies mustered into the service of the Republic of Texas from the Counties of Bowie, Red River and Lamar, and the Judicial County of Paschal, under the provisions of an act for the protection of the Western and South-western frontier, and for other purposes, passed January 16th, 1843 ; read 1st and 2nd times, and referred to the committee on Public Debt.

Mr. Guinn introduced a bill for the relief of certain settlers in the Mississippi and Pacific Railroad Reservation, who settled prior to the 21st day of December, 1853, and failed to have their land surveyed in eight months ; read 1st and 2nd times, and referred to the Committee on Public Lands.

Mr. Herbert, introduced a bill to incorporate the Columbus and Rio Grande Railroad Company ; read 1st and 2nd times, and referred to the Committee on Internal Improvements.

Mr. Fall introduced a bill to amend the 4th section of an act entitled an act, providing for the support of Schools ;

read 1st and 2nd times, and referred to the Committee on Education.

ORDERS OF THE DAY.

A joint resolution instructing our Senators, and requesting our Representatives, in the Congress of the United States, to call upon the United States Government to refund the money heretofore paid out by the State of Texas, for the defence of her frontier, since the 28th day of February, 1855; read 3rd time and passed.

A House bill to change the time of holding the County Court of Upshur County, sitting as a Commissioner's Court; read 1st time.

On motion of Mr. Russell the rule was suspended; bill read a 2nd time, and passed to a 3rd reading.

On motion of Mr. Russell the rule was further suspended, bill read a 3rd time and passed.

A bill to amend the 2nd section of an act, entitled an act to reorganize the 8th Judicial District, and define the time of holding courts therein; read, and on motion of Mr. Wigfall, referred to the Committee on the Judiciary.

A bill to define more positively the Northern boundary line of the Mississippi and Pacific Railroad Reservation; read and ordered to be engrossed.

By leave, Mr. Lott introduced a bill for the relief of Benj. F. Ellis; read 1st time.

On motion of Mr. Lott, the rule was suspended, bill read a 2nd time and ordered to be engrossed.

On motion of Mr. Lott the rule was further suspended; bill read a 3rd time and passed.

A bill to allow C. H. Nimmon, to adopt two illegitimate children; read a 2nd time and ordered to be engrossed.

Mr. Paschal was excused from the Committee on Counties and County Boundaries.

On motion of Mr. Paschal, Mr. Maverick was added to the Committee on Counties and County Boundaries.

On motion of Mr. Grimes, Mr. McCulloch was added to the Committee on Indian Affairs.

On motion of Mr. Paschal, Mr. Throckmorton was added to the Committee on the Judiciary.

The report of the Committee on the Judiciary on a bill amending the 33rd section of an act entitled an act to regulate the proceedings in the County Courts, pertaining to the estates

of deceased persons, passed March 20th, 1848, offering an amendment thereto, was read, amendment adopted and bill ordered to be engrossed.

The report of the Committee on State Affairs, on the memorial of C. H. Kennard and others, relative to the abolition of the practice of employing Chaplains by the Government, recommending that the same be rejected, was read and adopted.

A bill to provide for the payment of three companies of minute men commanded by Captains Jno. W. Sanson, Jno. D. Davenport and Reason W. Black; read a 3rd time and passed.

A bill to incorporate the Casino Association of San Antonio; read and ordered to be engrossed.

On motion of Mr. Taylor of Houston, the Senate adjourned until to-morrow morning at 10 o'clock.

FRIDAY, NOV. 13, 1857.

The Senate met pursuant to adjournment—Prayer by the Chaplain—roll called—querum present.

The Journal of yesterday was read and adopted.

Mr. Caldwell presented the petition of Geo. W. Glascock; referred to the committee on Public Lands.

Mr. Pirkey presented the petition of Geo. Brinled's executor; referred to the committee on Private Land Claims.

Mr. Wigfall presented the petition of the Board of Trustees of the Marshall University; referred to the committee on Education.

Mr. Russell, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill to definitely define the Northern boundary line of the Mississippi and Pacific Railroad Reserve;

A bill for the relief of Benj. F. Ellis;

A bill to amend the thirty-third section of an act regulating the proceedings in the County Courts pertaining to the estates of deceased persons, passed March 20th, 1848;

A bill to allow C. H. Nimmon to adopt two illegitimate children; and

A bill to incorporate the Casino Association of San Antonio.